

REMARKS

At the outset, Applicants wish to thank the Examiner for reviewing and considering the pending application. The Office Action dated December 16, 2005, has been received and reviewed.

By this amendment, claims 28-30, 32-37, 41-48, 50-54, and 57 are amended. Also, claims 1-27 are withdrawn, as a result of the restriction requirement. Accordingly, claims 28-57 are currently pending. Reconsideration is respectfully requested.

Applicants thank the Examiner for considering the material cited in the Information Disclosure Statements of March 3, 2004, November 19, 2004, and July 21, 2005.

With respect to the Information Disclosure Statement of September 30, 2004, Applicants note that the Examiner has not provided his signature along with the date to confirm his consideration of the material cited therein. Accordingly, in the next communication to Applicants, the Examiner is respectfully requested to return a signed copy of the Information Disclosure Statement of September 30, 2004.

In the Office Action, claims 28, 29, 42, 46, and 47 are rejected under 35 U.S.C. § 102(a) or 102(e) as being anticipated by U.S. Publication No. 2003/0042252 to BACK et al., hereinafter referred to as "BACK". Applicants respectfully traverse this rejection.

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, the reference must teach every element of the claim. Applicants respectfully submit that BACK does not teach every element recited in at least claims 28 and 46.

For example, claim 28 recites, a combined toaster and microwave oven comprising, *inter alia*, "a holder part that moves in accordance with a movement of the at least one tray."

In addition, claim 46 recites a combined toaster and microwave oven comprising, *inter alia*, a holder part “configured to move in accordance with a movement of the at least one tray.”

BACK fails to disclose at least these features, as recited in the claims.

Due to the shortcomings of BACK, Applicants submit that claims 28 and 46 are allowable and request that the rejection be withdrawn. Likewise, claims 29 and 42, which variously depend from claim 28; and claim 47, which variously depends from claim 46, are also patentable for at least the same reasons as discussed above.

Also, claims 28-33, 42, and 46-49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1 213 948 issued to CHOI et al. (hereinafter referred to as CHOI) in view of U.S. Patent No. 2,631,523 issued to OLVING or U.S. Patent No. 6,112,648 issued to ORIGANE. Applicants respectfully traverse the rejection.

As required in Chapter 2143.03 of the M.P.E.P., in order to establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.

Applicants respectfully submit that CHOI, OLVING, and ORIGANE, taken singularly or in combination, do not disclose or suggest each and every element recited in claims 28 or 46.

For example, claim 28 recites a combined toaster and microwave oven comprising, *inter alia*, “a holder part that moves in accordance with a movement of the at least one tray.”

In addition, claim 46 recites a combined toaster and microwave oven comprising, *inter alia*, a holder part “configured to move in accordance with a movement of the at least one tray.”

CHOI fails to disclose at least these features.

Further, OLVING fails to cure the deficiencies of CHOI at least since OLVING fails to disclose at least a tray assembly including a tray, as recited. Accordingly, OLVING also lacks disclosure of a holder part that is configured to move in accordance with a movement of a tray.

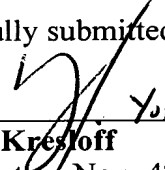
Similarly, ORIGANE fails to disclose a tray assembly, and consequently, a holder part that is configured to move in accordance with a movement of a tray.

Accordingly, Applicants respectfully submit that claims 28 and 46 are patentable over CHOI, OLVING, and ORIGANE, taken alone or in any combination, and request that the rejection be withdrawn. Likewise, claims 29-33 and 42, which variously depend from claim 28; and claims 47-49, which variously depend from claim 46, are also patentable for at least the same reasons as discussed above.

The application is in a condition for allowance and favorable action is respectfully solicited. If for any reason the Examiner believes a conversation with the Applicant's representative would facilitate the prosecution of this application, the Examiner is encouraged to contact the undersigned attorney at (202) 496-7500. All correspondence should continue to be sent to the below-listed address.

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Respectfully submitted,

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